

HUGHES HUBBARD & REED LLP
William T. Bisset (bisset@hugheshubbard.com)
350 South Grand Avenue
36th Floor
Los Angeles, California 90071-3442
Tel: (213) 613-2881

HUGHES HUBBARD & REED LLP
James B. Kobak, Jr. (kobak@hugheshubbard.com)
One Battery Park Plaza
New York, New York 10004
Tel: (212) 837-6000

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISCOVISION ASSOCIATES, a California
partnership,

Plaintiff,

v.

TOSHIBA CORPORATION, a Japanese
corporation,

Defendant.

No. 08 Civ. 3693 (HB)

JOINT RULE 26(f) REPORT

In accordance with Fed. R. Civ. P. 26(f), and following the conference of their respective counsel of record on June 19, 2008, plaintiff Discovision Associates (“DVA”) and defendant Toshiba Corporation (“Toshiba”) respectfully submit this joint discovery report.

(A) The parties proposed no changes in the timing, form or requirement for disclosures under Rule 26(a). As attachments to its complaint and to papers served and filed in support of its pending motion for partial summary judgment, DVA believes that it has disclosed all documents to be disclosed pursuant to Rule 26(a). Toshiba will make its initial disclosures by July 3, 2008, and believes that those disclosures will be complete.

(B) DVA will seek discovery regarding (1) all dealings in Licensed Products (as defined in the License Agreement attached as Exhibit 1 to DVA’s complaint) by Toshiba and its Subsidiaries (as defined in the License Agreement) and (2) Toshiba’s creation, maintenance, search for, collection, review and production of documents and information pursuant to the License Agreement and DVA’s requests for discovery. Toshiba will seek discovery regarding (1) the basis for DVA’s belief that the materials listed in Deloitte’s September 7, 2006 letter are “necessary” to the audit; (2) the basis for DVA’s belief that it is entitled to interview Toshiba personnel as part of the audit; (3) the basis for DVA’s belief that it is entitled access to all manufacturing facilities and personnel, including but not limited to, all Toshiba affiliates and subsidiaries; (4) communications between Deloitte and DVA regarding the audit; (5) the types of materials Deloitte has sought in other audits on behalf of DVA and other clients; and (6) the basis for DVA’s estimate that the audit will take two months to complete. On July 1, 2008, DVA propounded a set of interrogatories and a set of requests for production of documents. Discovery will not be phased or limited, and all fact discovery should be completed by January 21, 2009, in accordance with the Court’s Pretrial Scheduling Order entered on June 11, 2008.

(C) Electronically stored information will be produced or available for inspection in forensically-sound native format. The parties have put a litigation hold on all information relevant to the subject matter of this action.

(D) The parties anticipate no special privilege issues. The parties agree that inadvertent production of any materials will not constitute a waiver of any applicable privilege or protection, and agree to promptly return such inadvertently produced materials upon demand.

(E) The parties proposed no changes in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's Local Rules.

(F) The parties intend to lodge a proposed protective order that they will jointly ask the Court to enter.

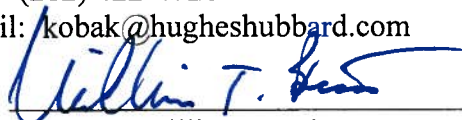
(G) Nothing herein shall be construed as a waiver by any party of any right it may have to object to the production of a specific document or specific information.

HUGHES HUBBARD & REED LLP
William T. Bisset
350 South Grand Avenue
36th Floor
Los Angeles, California 90071-3442
Tel: (213) 613-2881
Fax: (213) 613-2950
email: bisset@hugheshubbard.com

HUGHES HUBBARD & REED LLP
James B. Kobak Jr.
One Battery Park Plaza
New York, New York 10004-1482
Tel: (212) 837-6757
Fax: (212) 422-4726
email: kobak@hugheshubbard.com

Dated: July 3, 2008

By:



William T. Bisset
Attorneys for Plaintiff
Discovision Associates

COLUCCI & UMANS
Frank J. Colucci
218 East 50th Street
New York, New York 10022-7681
Tel: (212) 935-5700
Fax: (212) 935-5728
email: FColucci@Colucci-Umans.com

KNOBBE MARTENS OLSON & BEAR LLP
Paul A. Stewart
2040 Main Street, 14th Floor
Irvine, California 92614
Tel: (949) 760-0404
Fax: (949) 760-9502
email: pstewart@kmob.com

Dated: July 3, 2008

By:



Frank J. Colucci
Attorneys for Defendant
Toshiba Corporation